

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CARMEN LARSON,

CV 05-1769-ST

Plaintiff,

ORDER

v.

TILLAMOOK YOUTH AUTHORITY
ACCOUNTABILITY CAMP; STATE
OF OREGON; and ANDY WYATT,
TERRY YOUNKIN, DAVE LINDSROM,
and BRIAN FLORIPS, individually
and in their official capacities,

Defendants.

MARSH, Judge:

On March 27, 2006, Magistrate Judge Stewart issued a Findings and Recommendation that defendants' partial motion to dismiss plaintiff's first amended complaint (#14) should be **GRANTED** as to plaintiff's sixth claim for relief for Intentional Infliction of Emotional Distress as to all defendants except

Wyatt, and **GRANTED** with leave for plaintiff to amend (1) to allege a due process violation against individual defendants under 42 U.S.C. § 1983, and (2) to reallege a wrongful termination claim against defendant Tillamook Youth Authority Accountability Camp, including allegations that the tort claims notice requirements have been satisfied. Defendants have filed timely objections and the matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b) on de novo review. See 28 U.S.C. § 636(b)(1)(C); Bhan v. NME Hospitals, Inc., 929 F.2d 1404, 1415 (9th Cir. 1991).

Finding no error in the Findings and Recommendation (#27), I adopt them as my own. Accordingly, the motion to dismiss (#14) of defendants is **GRANTED** as to plaintiff's sixth claim for relief for Intentional Infliction of Emotional Distress as to all defendants except Wyatt, and is **GRANTED** with leave for plaintiff to amend as set forth herein.

IT IS SO ORDERED.

DATED this 10 day of May, 2006.

/s/ Malcolm F. Marsh
 Malcolm F. Marsh
 Senior United States District Judge